

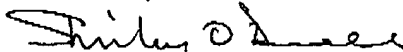
JUN 22 2006

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this paper, together with all enclosures identified herein, is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571 273 8300) on the date indicated below.

June 22, 2006

Date



Shirley O'Donnell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Julio Casanova
Serial No. : 10/789858
Filed : February 27, 2004
For : MODULAR BATTERY PACKAGE
Docket No. : SP-1785.1 US

RESPONSE

This paper is submitted in response to an Office Action mailed June 05, 2006, in the above-identified application. The Office Action requires election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant hereby elects Species I: A battery package as shown in Figures 1-6, without traverse.

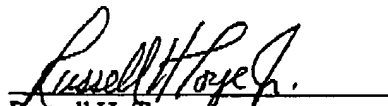
Claims readable on Species I are: 1 - 12, 19 - 34, 38 - 41.

Applicant believes that in addition to claims 1 - 12, 19 - 29, 31 - 32, and 39 - 41, claims 30, 33, 34, and 38 are also generic, based on the Examiner's reason for Species I and II being independent or distinct species (the pockets in the second species have a different configuration than those in the first species).

This reason does not preclude modules in either species I or Species II from having different numbers of pockets, for example (claim 30 would read on such a package), or more than one battery per pocket (claim 38). Claims 33 and 34 are generic because they both read on Figs. 7, 9, and 10, as well as Figs. 1 - 6.

Respectfully submitted,

6/22/06


Russell H. Toye, Jr.
Registration No. 43,200
Eveready Battery Company, Inc.
25225 Detroit Road
Westlake, Ohio 44145
Phone: (440) 835-7343
Fax: (440) 897-6072